

RESOLUTION NO. 796

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING COOPERATIVE PURCHASING AND PARTICIPATION IN PHASES 3 AND 4 OF THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM ADMINISTERED BY THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION.

WHEREAS, the Borough of Malvern is located in Chester County, Pennsylvania (the "Borough"); and

WHEREAS, the Borough qualifies as a "local public procurement unit" as defined under Chapter 19 of the Commonwealth Procurement Code, 62 Pa C.S. §1901 et seq. (the "Code"); and

WHEREAS, the Delaware Valley Regional Planning Commission ("DVRPC") qualifies as a "public procurement unit" under the Code, and has established a Regional Streetlight Procurement Program (the "Program") for the purpose or entering into "cooperative purchasing" agreements with regional municipalities; and

WHEREAS, the Borough, in its capacity as a local public procurement unit, agreed to participate in the Program, as reflected by the adoption of a letter of intent in connection with the Program's Phase 1, and by the adoption of a resolution authorizing the participation in the Program's Phase 2; and

WHEREAS, full participation in the Program's additional Phase 3 (Project Management) and Phase 4 (Post Construction Operations and Maintenance Services) will allow the Borough to implement the project (the "Project") and improve the performance of municipal street lighting; and

WHEREAS, DVRPC entered into a contract with Keystone Lighting Solutions ("KLS") to provide design services as part of Phase 2 of the Program and at the option of participating municipalities to extend services provided in Phases 3 and 4; and

WHEREAS, pursuant to its authority under the Code, Borough entered into contract with KLS for Project Development Phase 2 for professional design services to evaluate, recommend, audit, design and manage the Project with the option to proceed with Phases 3 and 4; and

WHEREAS, KLS has completed the services required in connection with Project Development Phase 2; and

WHEREAS, as part of Project Development Phase 2, KLS presented a Final Project Specification and Proposal (the "Proposal"), and in this Proposal KLS estimated the costs to the Borough associated with KLS' services for Phases 3 and 4; and

WHEREAS, also in the Proposal KLS provided a "Total Project Cost" found in the Project Cashflow, which establishes the total price to the Borough associated with this Project; and

WHEREAS, the Borough wishes to exercise its option to proceed with Phases 3 and 4 under its existing contract with KLS and to secure its professional assistance in connection with the procurement and installation of these improvements; and

WHEREAS, DVRPC has entered into a contract with Armour & Sons Electric, Inc. ("Armour") to provide construction installation services and assigned to Armour DVRPC's contracts for manufacture and distribution of equipment; and

WHEREAS, participating municipalities, including the Borough, are able to "piggyback off of" the contract entered into by DVRPC for installation, in accordance with the Code; and

WHEREAS, continued participation in the Program will allow the Borough to implement its project (the "Project") and improve the performance of municipal street lighting, and specifically to manage and administer the procurement, installation, and financing of the transition to light-emitting-diode (LED) street lighting and other street light improvements, and the maintenance of those improvements; and

WHEREAS, the Borough has determined that its interests warrant piggybacking off of DVRPC's contract with Armour, thereby forming a separate and new contract between the Borough and Armour in the form attached hereto as Exhibit A.

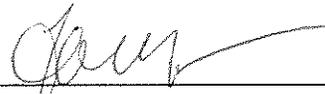
NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough hereby authorizes the Borough to exercise its option under the existing cooperative purchasing contract with KLS and to proceed to Phase 3 and Phase 4 of the Program for Project Management and Post Construction Operation and Maintenance Services; and it is

FURTHER RESOLVED that the Borough Council of the Borough hereby authorizes the Borough to enter into cooperative purchasing in the form of a contract with Armour & Sons Electric, Inc. for installation of equipment; and it is

FURTHER RESOLVED that the Borough Council of the Borough hereby authorizes and directs its officials, employees, agents and representatives to take all such further actions and to execute and deliver all such instruments and other documents as may be necessary or appropriate to enable the Borough to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated hereby.

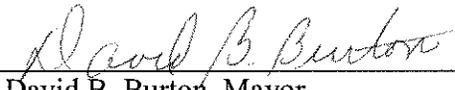
IN WITNESS WHEREOF, the Borough Council of the Borough has adopted and enacted this Resolution this 19 day of November, 2019.

Passed by Borough Council,
this 19 day of November, 2019.



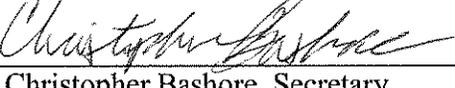
Jamie S. Grossman, President

Approved by the Mayor,
this 19 day of November, 2019.



David B. Burton, Mayor

Enacted,
this 19 day of November, 2019.



Christopher Bashore, Secretary